

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

Plaintiff,

v.

**ORDER RE DEFENDANT GUEVARA'S
MOTIONS TO EXCLUDE REBUTTAL
WITNESSES FISCHER AND HANLEY**

ANGEL NOEL GUEVARA, *et al.*

Defendants.

Defendant Angel Noel Guevara seeks to preclude the testimony of government rebuttal witnesses Patricia Fischer and SFPD Sergeant Matt Hanley. The motions to preclude the testimony of Sergeant Hanley and Patricia Fischer are **GRANTED**.

Although defendant Guevara has argued entrapment and has introduced testimony regarding his non-violent character, no entrapment instruction will be given and Sergeant Hanley's testimony is no longer probative of an issue at play (Tr. 13861-87).

Similarly, the testimony by handwriting expert Patrician Fischer will be precluded because it was defendant Marvin Carcamo, not defendant Guevara, who presented evidence asserting he was not the true author of TX 728. The probative value of any such testimony is minimal, and would also be significant outweighed by the amount of time that would be required to allow defendant Guevara to obtain his own sur-rebuttal handwriting expert.

IT IS SO ORDERED.

Dated: August 3, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE